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Meeting Minutes
Cities of Broomfield and Westminster Option B Conference
April 14, 1993

In attendance:

Gail Hill, DOE
Bruce Thatcher, DOE
Bob Birk, DOE
Richard Flory, EG&G
Marcia Murdock, EG&G
Fred Harrington, EG&G
Mike Guillaume, EG&G
Lee Johnson, Westminster
Dave Kaunisto, Westminster
Susan Nachtrieb, Westminster
Mike Bartleson, Broomfield
Peter Binney, CH2MHILL
Dick Moos, CH2MHILL

Gail Hill, DOE called the meeting to order. She stated that Fred Harrington would be late, and that Mel Roy was unable to attend, but would be available for phone consultation if that became necessary. In attendance were representatives from the DOE, EG&G, Broomfield, Westminster, and the respective cities' consultants.

John Wegrzyn, USFWS, had talked to Gail that morning and said that no further sightings of the bald eagles have been made at Standley Lake. Colorado Bird Observatory is continuing reconnaissance visits to the vicinity to look for the bald eagles. USFWS will most likely notify DOE within the week to give the final word on the presence of the eagles, and to authorize activities in the vicinity if the eagles are judged to be gone. She turned then the meeting over to Bruce Thatcher.

Bruce prefaced his comments by stating that the DOE had reviewed the schedule given by the cities to Gail during the March 24 meeting, and that DOE believed that the schedule was too optimistic. Completing a Biological Assessment of the bald eagles by April 16 is unrealistic. The Corps of Engineers permit requires an Ecological Risk Assessment. The Ecological Risk Assessment and the Baseline CERCLA Environmental Report must be in close agreement. DOE will also need review time for the draft Biological Assessment. DOE has some concern that the cities intend, from their schedule, to deliver a "no effect" assessment to the USFWS by April 30.

Westminster's representatives explained that they are not expecting to find "no effect", but are looking for ways to achieve "no effect". They will be asking the USFWS for information to allow them to plan "no take" options for their activities.

Bruce continued to outline other items that were unrealistically scheduled in the cities schedule, including the USFWS review of the Biological Assessment and the rendering of the Biological Opinion.

Westminster wanted to know if the DOE and USFWS could come up with an incidental take permit that will allow the cities to proceed before completion of the Biological Assessment. There was a great deal of discussion as to why the cities cannot just proceed with construction since the eagles are not around.

This discussion was not resolved. Bruce, however, did read excerpts from the regulations that clearly state the Biological Assessment must be completed before construction of a federal project can proceed.

The meeting was then turned over to Bob Birk, DOE and Mike Guillaume, EG&G. Bob stated that DOE Environmental Protection had drafted a letter on releasing OU3 data to the cities. The DOE will release unvalidated data, provided that both EG&G and DOE review the data prior to its release. He also stated that the Draft OU3 RI, due in July is behind schedule, and is expected to be late. DOE is about to request an extension.

Mike discussed what type of data will be available and when it can be expected to be released to the cities. There is currently some soil data and some terrestrial biota data available. Terrestrial biota were tested for radiological contaminants. Aquatic samples have not yet been sent to a laboratory because there has been difficulty in certifying a laboratory. Aquatic samples will be analyzed for radiological contaminants and metals. Mike stated that surface soils and trench samples will probably be available to the cities in about three weeks. He could not speculate on the availability of other data because of the uncertainty of the scheduling, especially since OU3 is planning to collect more samples this spring.

Marcia Murdock, EG&G started to introduce Fred Harrington's, EG&G Ecological Risk Assessment handout and presentation in his absence. She stated that the cities would have to look at contaminants of concern (COCs) that DOE did not have to address in their actions. These COCs may include pesticides or pesticide metabolites, industrial compounds, and similar substances that may have been introduced into the environment by sources other than RFP. The cities will have to do extensive literature searches to determine both the potential presence of such compounds and their ability to enter into the food chain. The Biological Assessments done by the cities will need to address these COCs. Once their literature search has been completed, there may be few contaminants of concern that will have to be addressed.

Fred joined the meeting at this point and further added to the discussion of these issues. He reiterated that literature reviews should be done to determine possible COCs and pathways for the ecosystem. The cities should be looking at organochlorine pesticides (OCPs) such as aldrin, dieldrin, and endrin, plus DDT and DDE. Experience at the Rocky Mountain Arsenal indicates that the raptors, especially the bald eagle, are at risk from these compounds. Testing eagles is not possible, but testing the eggs of great horned owls is possible under special permit. Owl eggs are good indicators as to what compounds are entering the food chain.

The Ecological Risk Assessment outline Fred passed out is intended as a guideline for OU3, but also can be used as guidance by the cities to allow their assessment to correspond with the OU3 assessment. The second handout was a journal article on research done on physical disturbance of nesting bald eagles. Fred reiterated EG&G's views, reinforced by this article, that the physical disturbance at the nest site is a far more important factor to the success of this nest than chemical hazards in the environment. He suggested that further studies on the Standley Lake eagles be designed to include the study methods used in this study.

Bruce Thatcher then outlined the steps the cities now need to take. DOE wants the cities to develop an outline for their Biological Assessment which is to be reviewed and approved by DOE before it is presented to the USFWS for approval. For the next meeting with the USFWS, the cities should also have examples of available water quality sampling data, and whatever other pertinent historic data that may be available. DOE would like the cities to develop a realistic schedule for the Biological Assessment. EG&G, through the DOE, will advise and guide the cities in their efforts. The DOE will expect draft and final versions of the Biological Assessment. DOE will need a minimum of three weeks review time, depending

on whether there will be a need for a NEPA review and action of the document.

Bruce stated that he has a letter drafted for the USFWS outlining DOE's intended species list, and that according to his understanding, submittal of that letter will start the clock running for the formal consultation process. The cities requested that he delay that letter to give them more time to organize their program. The cities may wish to include fewer species than those to be considered for RFP. EG&G suggested that the bald eagle and Ute ladies'-tresses be the species for which the biological assessment is designed. Colorado butterfly plant should be included in surveys, but should probably not be made a part of the assessment unless the USFWS so directs. EG&G also suggested that the lower Platte River impacts could be handled in the same letter since there is no expected net impact from either a change in volume or in water quality. A simple statement that no change in quantity or quality of water is expected to result from Option B activities should address this impact concern.

Bruce will check on availability of OU5 data for the Woman Creek reservoir portion of the risk assessments.

Gail summarized the action items identified during the meeting as:

- Bruce Thatcher will draft a letter to the USFWS identifying the cities as the responsible parties for preparation of the Option B Biological Assessment.
- The cities will develop an outline and a schedule for the Option B Biological Assessment which will then be reviewed by DOE before submittal to the USFWS.
- The cities will check on the availability of water quality data that can be presented to the USFWS for approval for use in the Biological Assessment.
- The cities will perform a literature search to identify what additional data must be collected for the Biological Assessment.